

WASTE 2 RESOURCES ADVISORY COMMITTEE

** REVISED MEETING SUMMARY **

May 21, 2013, 9:30 a.m.

John Sherman, Acting Committee Chair, called the meeting to order at 9:35 a.m. and introductions were made. He asked for a motion to approve the March 15, 2013 meeting notes. There was a motion to adopt them. The motion was seconded and the notes were approved.

Legislative Update - Laurie Davies

Contact: 360-407-6103, Laurie.Davies@ecy.wa.gov

We're in the midst of a 30-day special Legislative Session. A reduction to WRRLCA is proposed, which could result in transferring up to \$10 million to the state's General Fund or to Department of Parks and Recreation for maintenance and operations.

SB 5296, the MTCA bill, passed out of the Senate but not the House, so it reverted to the Senate Rules Committee.

The proposed budget for CPG is \$28.2 million in the House and Governor's budgets, and \$22 million in the Senate budget. The Senate version sets up a block grant concept. Laurie doesn't think it would change how CPG is implemented.

Laurie talked about resurrecting HB 1444, the mercury lights bill, because of the outcome of the NEMA lawsuit. We're evaluating our options for appeal and legislative fixes that include antitrust language and a fee proposal.

Regarding children's safe products, the legislation banning TRIS was resurrected and Senator Nelson introduced an amendment.

Representative Upthegrove has moved on and is running for King County Council. Special Session is scheduled to end June 13, but the next revenue forecast is due June 14. It seems unlikely a budget will pass before the forecast comes out.

Suellen Mele said that HB 1444 has fatal flaws and asked if there would be changes. Laurie said yes.

Sego Jackson asked if SB 5296 will go back to the House of Origin. Laurie said yes – it's in Rules now.

Suellen Mele asked if Laurie had any information on the budget negotiations. Laurie said only what she has read in the newspaper. The Governor's and House budgets propose \$2 million to \$2.1 million for PPG funding. The Senate side depends on the amount of the ELSA account (one percent of ELSA for PPG). We think the worst case scenario is \$1.6 million.

John Sherman asked if we anticipate impacts to issuance of CPG contracts because of the late budget. Laurie said that grant officers are writing grants now based on the best case scenario. Is doesn't seem like CPG is playing into the budget negotiations.

Mike O'Donnell (EcoLights) asked about the impacts of HB 1444. Laurie said that NEMA is very interested in resurrecting the legislation. They are committed to having a robust recycling program that's equitably funded. We've received a good deal of support from local governments for a fully funded program. The Retailer's Association is somewhat supportive of a fee and recycling program going forward. Suellen Mele said the main concern of NGOs is that HB 1444 as originally written was geared more toward a consumer fee at the point of retail. It's really important how the fee is structured.

Parking Lot Issues Discussion – Janine Bogar
Contact: 360-407-6654, Janine.Bogar@ecv.wa.gov

Janine Bogar reminded the group that the list of "parking lot" items was compiled during the activities prioritization exercise. The items are those which committee members said warranted further discussion.

C&D

See Janine's PowerPoint presentation on C&D issues on the W2RAC website.

Sego Jackson said a problem is that sometimes materials are accepted for recycling when there are no markets and the materials are disposed. Some of the materials aren't recyclable to begin with, but get accepted in the recycling anyway.

Preston Horne-Brine pointed out that it's important to keep in mind that concrete is a large part of C&D, but has good markets and is successfully going to recycling (2.2 million out of 3.9 million in 2011).

Matt Henry asked if C&D is 35 percent of the waste stream, if it includes materials like concrete or if the percentage is the total amount. Janine said it's the total amount.

Wayne Krafft said some asphalt and concrete such as grinding asphalt doesn't get included in our numbers. Janine said numbers are challenging to measure because a lot of it doesn't wind up in our waste stream.

Dean Large asked if we collect numbers from WSDOT. Laurie Davies said that we can check into that. Dean said rocks and rubble related to DOT and county projects are likely not in our data.

Peter Christiansen said that numbers we collect are through facilities. We likely don't have WSDOT numbers. They have permit exemptions.

Preston Horne-Brine commented that even if the numbers are underreported, 2.2 million tons on our survey were still accounted for in 2011.

Kevin Kiernan said one issue is alternate daily cover and use of C&D residual, and the claim that it's recycling. Grinding up C&D rather than reusing it as a product is a concern.

Sego Jackson added a key issue: Proper management of residuals left over after the recycling process.

Kevin Kiernan said a significant amount ends up as alternate daily cover and claimed as recycling.

Isaac Standen said that it isn't a good idea to consider residuals used for alternate daily cover at landfills as recycling. The residuals are trash.

Gene Eckhardt said that WUTC tried for many years to resolve this issue. They dismissed rulemaking with the Governor Gregoire's moratorium on rules. He agreed there needs to be a clear statement about what recycling and waste are. If it goes to the landfill, it's trash. It may be really good trash, but still trash.

Dean Large said he appreciated Sego Jackson's comment. The issue of residuals is a hot topic and something we need to seriously consider. He has concerns about a large percentage of residuals coming out of the recycling effort.

Laurie Davies will add the issue to her tickler for future -350 amendments.

Troy Lautenbach said that he can recycle 70 percent of a house. He is concerned that 30 percent has to go to a transfer station or landfill.

Laurie Davies said that exempt facilities are not usually inspected or monitored by health departments, with exception of Pierce County. It's an area where Ecology hasn't had resources. We want to focus on exempt facilities materials management next biennium.

The committee proceeded to discuss potential work ideas.

Sego Jackson said that it's important to remember that we started out working on C&D as a solid or hazardous waste issue, and got feedback over time. Builders got contacts from all sorts of interests (water, waste, etc.). Green Building happened to consolidate the push. Now we're coming back around to how we deal with C&D specifically. We have a lot of partners now and can leverage relationships to be more effective. He used the example of a workgroup from mostly Seattle and King County and the effort around Green Halo certification, which is a computerized certification that builders can use to track things onsite. Sego wonders if this could be scaled statewide.

Laurie Davies pointed out that we have a political challenge around MTCA. Working on green building is seen as an expansion. There are concerns about use of WRRLCA funds, because C&D isn't usually found along roads.

Sego Jackson added the additional issue of financing C&D work.

Jan Gee commented that if an industry has recycling problems, then the industry should be a partner in working on solutions and funding them.

Dennis Durbin added how important is to get true, accurate numbers. We're missing out on a huge amount of unreported material.

John Sherman said that even with better data, we'd face similar issues. He did agree large quantities are not counted. He asked Troy Lautenbach what policies would help his business.

Troy Lautenbach said that sometimes an asbestos survey is required and sometimes not. A survey isn't required for renovations, but required for demolition. We need uniformity of regulations statewide. Regarding residuals, he never views them as a recycling activity. They do sometimes replace virgin materials, which is important. He added that we need to have a strong, vibrant system in each county and keep this industry going.

Sego Jackson suggested that harmonization could be a work area. Snohomish County tried to get folks to come up with a jobsite recycling list, which was hard to do. Sego provides it to companies that provide recycling services to pass on. This could be an education effort the state could take on.

Art Starry said he is interested in seeing Ecology's evaluation of conditionally exempt facilities. Also, it would be nice to figure out how to inform legislators of the importance of our programs. Perhaps we could develop a presentation for them.

John Sherman asked if there is room at the policy level for Ecology to advocate for contract boilerplate specifications to provide for deconstruction, etc. to increase recycling.

Wayne Krafft replied that he has worked with WSDOT when they have purchased buildings that are way of a project. We're working in the direction that John Sherman mentioned, but it isn't easy.

Suellen Mele echoed Art Starry's comments on the importance of these programs. We need to figure out how to fund them. Perhaps Ecology could do a fact sheet on C&D. She talked about the direct impact on waste prevention by reducing the footprint of homes like they're doing in Portland. Very small units are being developed in Seattle.

Preston Horne-Brine said that many commercial demolition contractors are successfully managing C&D. RW Ryan in Tacoma has a 75 percent recovery rate. There are now bidding provisions that incorporate the salvaging activity. He commented that if we are going to create a fact sheet and educate others on this subject, we need to capture commercial and residential activities.

Sego Jackson said that we need to look at leveraging existing programs, e.g. BuiltGreen's smaller footprints. Many jurisdictions have dedicated sustainability staff, such as Snohomish County. With the green building side of C&D, we want to do a good handoff and recognize others will pursue it, and support that.

Laurie Davies said that perhaps we could work on getting a unified definition of "green" or a standard.

Jody Snyder said she really appreciates the list. She wants to be sure to focus on the second list (in addition to the first). She hopes we can complete both.

John Sherman said that at some point, landfilling will be faster and cheaper in the state. He doesn't know how far we'll get without the regulatory side.

Jody Snyder thinks we have some existing framework to work with. Industry needs assistance. She appreciates that Ecology got Isaac Standen on board and others to help with sham recycling and other issues.

Sego Jackson said that it is challenging to promote recycling of C&D materials when there are instances when people think they are recycling, and they are getting LEED points, but it's not assured that recycling is occurring.

Troy Lautenbach said that his industry is trying to get CORE certification working with Green Halo, so they don't have to question if residuals are counted as part of the recycling numbers.

Laurie Davies talked about one of the original goals for Shannon McClelland's work - to get MRFs to count with the same standards. It's still on our list to work on.

Dean Large wants to ensure Gene Eckhardt is involved in regulations and solutions we're trying to come up with. Gene Eckhardt said he is interested in participating in those discussions.

Janine Bogar commented that we're trying to do more with what we have now. We aren't saying that we should create a lot of additional regulations.

Product Specific Programs

See Janine's PowerPoint presentation on Packaging and Product Specific Programs on the W2RAC website.

Dean Large said that when statements are made like landfills aren't failsafe, he agrees, but it implies other systems *are* failsafe. Consider including other processes such as composting and recycling. It's a universal problem.

Suellen Mele said that she is very interested in the commingled project that Shannon McClelland has worked on. There are questions around what materials work well through existing MRFs and what the problems are, e.g. plastic bags. Add harder to handle products and how we deal with those to the issues list.

Troy Lautenbach said that contamination in recyclables is an issue.

The committee proceeded to discuss potential work ideas.

Suellen Mele talked about the CAT process and three proposals: compost/organics, product stewardship, and optimizing the collection system.

Sego Jackson said this was an idea of a universal three-sort system (trash, organics, and recyclables) for everyone with an 80 percent recycling rate goal.

Suellen Mele said the idea of universal collection could be a broader area to explore.

John Sherman said that most of our product stewardship areas tend to be niche products. He would like to see Ecology's efforts focus more on toxicity reduction to get more items recycled. Ecology could create a framework for consistent programs in the state.

Suellen Mele would like to see a process looking at areas where we could get the most impact on toxicity, the recycling rate, and services. Some of the strategies we're listing are more applicable to products where there are already systems. Carefully planned landfill bans might be the next step for products that are highly recycled.

Matt Henry said that we would need to design landfill bans to ensure we aren't just counting the material as recycling when it isn't. It's hard to track.

Preston Horne-Brine said that strategies that would move us toward optimizing the recycling system should not only focus on the recycling rate, but the quality of recyclables recovered and processed. He talked about Seattle and how with commingled recycling, contamination has increased from two to five percent.

Sego Jackson said there are different approaches. One is to see what has high potential for recycling or need for diversion, and what options are best for a product. The other approach is using more universal strategies, like Vermont. He also talked about additional ideas. Ameripen has a 100-city survey to come up with best management practices. Also, there could be discussions on what financing brand owners can provide on a local level, like putting a portion of advertising budgets into grants, e.g. carts or machinery to separate out contaminants. Add voluntary partnerships with industry as a work idea.

Suellen Mele commented that there's a lot going on around the country and she wants to see Ecology to continue being a leader. Laurie Davies said that it's really hard to do with existing resources.

Agenda Items for Future Meetings

- Scrap Metal Buyers & Need for NPDES Permits, TBD
- Presentation on Public Participation Grants - Jason Alberich, TBD

Meeting adjourned at 11:55 a.m.

Submitted by: Susanne McLemore